

Remarks

The Examiner has objected to the information disclosure statement as failing to include legible copies of cited foreign patent documents and has not considered the first six references under the foreign document portion of the information disclosure statement. In response thereto, the applicant refers the Examiner's attention to the international portion of the file. In particular, all the references not considered by the USPTO have in fact been submitted to the USPTO by the International Search Authority during the international phase of the instant application. Moreover, each reference is evaluated in the research report. For this reason the applicant submits that all requirements of 37CFR1.98 are in fact satisfied and the Examiner is respectfully requested to retrieve the subject references from the international portion of the file and to indicate consideration of those references by initialing the information disclosure statement in the usual manner.

Claims 9 through 11 and 13 through 17 stand rejected under 35USC102(e) as being anticipated by Schwartz '733. The USPTO has not rejected claim 12. Although for such cases it is usual for the USPTO to object to a non-rejected claim as being dependent upon a rejected base claim and to indicate the allowability thereof should that claim be amended to incorporate the limitations of the base claim and any intervening claims, this has not been done in the instant Office Action. The applicant views this as an oversight and considers the office action to evaluate claim 12 as allowable. The applicant has therefore recast claim 12 in independent form, thereby making claim 12 allowable.

In response to the rejections of independent claim 9 and the claims dependent thereof, the applicant has amended claims 9, 10 and 11 to more clearly define the geometry of the first receiving openings and the

first bearing pins. In particular, the claim language has been amended to specify that the first bearing pins define a first pivot access disposed within the first receiving openings. Moreover, the urging means has been more closely defined to specify that the first and second bearing pins seat in a permanent fashion on two adjacent sides of a corner defined by the polygonal section. These limitations are clearly disclosed in the specification, in particular on page 5, last portion of the third paragraph, as well as the first three lines of page 6 and in the drawings. Claims 10 and 11 have been amended in a similar fashion for consistency with the language of claim 9. The applicant respectfully submits that claim 9 is distinguished from the Schwartz reference for the following reasons.

In rejecting the claims under Schwartz, the USPTO refers to figures 15 and 16. These figures disclose bearing pins extending in a finger like fashion from a control lever to engage in corresponding recesses in a rack and pinion type fashion. The member bearing the recesses is urged by a spring against the bearing pins, thereby bringing the bearing pins in contact with side surfaces of the recesses. As the control lever is rotated, the bearing pins move in and out of corresponding recesses in a gear like fashion. This mechanism therefore fails to read on amended claim 9 for at least two reasons. First of all, the bearing pins do not intersect and define a first pivot access about which the control lever rotates. Moreover, the bearing pins of Schwartz do not maintain permanent contact with flanks bordering an edge of its receiving openings as the control lever rotates, rather continuously move into and out of respective receiving openings. The embodiment of Schwartz given in figures 15, 16 therefore clearly fails to read on the language of the claim 9 as amended and defined with respect to the terminology of the specification.

In another embodiment of figure 8, Schwartz discloses bearing pins 340 on two separate arms 337, 338 each of which is loaded by a spring. However, the bearing pins 340 of Schwartz do not read on claim 9 as amended, since they do not satisfy the definition of the first pivot access within the context of the instant invention and also fail to remain in permanent contact with the flanks bordering edges, rather move in and out of recesses during operation of the switch.

The applicant therefore submits that claim 9 is distinguished from the prior art of Schwartz and is allowable. The dependent claims of record inherit the limitations of the base claims and are therefore also allowable. Favorably review is therefore requested as is passage to issuance.

No new matter has been added in this amendment.

Respectfully submitted.

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